G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT

1903

(Gen. Finance)

Gen Fin **File No.** 338 of 03

Serial Nos. 1–2

Papers Filed.

P=9-E

Month _____

SUBJECT.

Refund Bill in favour of Rev. D. A. Rees for Rs 5.

PREVIOUS REFERENCES.

LATER REFERENCES.

Mysore Govt Secretariat

~~Office of the Dewan of Mysore.~~

(1)

Office Note.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Branch

Revenue

Subject

Letter no: S. 674 of 5.2.04. from the Dy Comr., Bangalore District, re. a refund bill in favour of Rev: D. A. Rees for Ass't.

Note.

In November 1903, the Dy Comr., Bangalore District, submitted through the Rev Comr, for Sanction, a refund bill in favour of Rev: D. A. Rees for Ass't, being the amount paid by him on account of stamp duty on a general power of attorney, the party having subsequently demanded the return of the amount on the ground that the Dy Comr's certificate on the said power of attorney was no longer necessary.

2. It was observed in this Office docket no: H 1665 of 22-12-03

Please see paper with Class (A)

already minuted as follows
viz Rec: Comrs Letter No 2647
dated 28-11-3.

(3)

"Mrs ~~Comrs~~ Comrs. The
Dy Com had no reason to return
an insufficiently stamped docu-
ment merely because the party
wished to withdraw it (pre-
sumably to evade payment
of the penalty). In fact the
Comrs could not be conducted
with heavy loss a certificate
was granted."**

This was from Mr. Dy Com - & the instrument
Mr. Document required.

A copy of the instrument
has been received, and the Dy Com
~~says~~ forwards a letter of 2.2.04 from
Rev: D. A. Rees stating that the original
can not be spared.

Under Sec: 33, cl (1) of the
Impose Stamp Regulation, the Dy Comr
had power to impound the docu-
ment and proceed to recover the
full duty with which the said instru-
ment is, in his opinion, chargeable

(4)

The Dy Collr does not explain why he returned the document prematurely or how he allowed the Rs 5/- paid by the party to be credited as stamp duty before a certificate was granted. The document contains as aforesaid a clause purporting to cancel another power of attorney. Hence the document is chargeable with a duty of Rs 5/- as a general power of attorney under art: 46 cl (c), and with an additional Rs 5/- under art: 16 of the Imperial Stamp Regn for containing the cancellation clause.

Submitted for Orders

N

26/2/14

Put up to the Dewan through the 2nd Cr

Ct 29/2/14

Read Vanes was not a party to the document in question. That the document purported therefore be said to be "a cancellation" of the power could not previously have been executed by his favor. The words "which

a withdrawn" cannot
be said to amount to
a cancellation of the kind
contemplated by article 16.
However that may be, it
is clear that the present
document was liable to
a stamp duty of Rs 5-
under article 46(c). The
duty of Rs 5- paid by
the Res cannot therefore
be refunded.- By Pro-
duction of the document
he can have an endorse
-ment made by the Dy
Commissioner - That he
does not want an Indi-
a no justification for his
claim for a refund -

CL

3/3/04

1300 (5)

GOVT. OF MYSORE GENERAL SECRETARIAT
8 FEB 1904
1903 1/04

From The Dy Commr Shimoga
Bangalore Dt

To The Secy to the Govt
of Mysore
Rev and Genl Depts

Dated 5th Feby 04.

Despatched 8th Feby 04.

Received

General No.

S. No. 674

Enclosure No. 3

This office No 613 of 18th Jany 04.

Intimation forwards the letter of Rev D. A Rees stating that the original document cannot be shared.

To
The Revenue Branch

A copy of the Indian Stamp Act 1879 with the Mysore Stamp Rules & Notifications &c. herewith submitted.

Kindly return the same to the English Genl Records for future reference. More are not (only a few copies) in this Record

20/2/04 Sh.B. 20/2/04

Sl. No. 1

H.D. Revd
Revr
8/2

Extract from "Rejista"
Write A.M. for Rate 31.1.04
Rect 12/2/04 Resubmitted with notes

S.N. 674
Rec 3

Bangalore District
Dy Commissioners Office
Bangalore 5th February 1920.

From,

H St Sharkey Esq
Dy Commissioner
Bangalore Dt

To,

H.V. Aravamudayya Esq. M.A.
Secy to the Govt of Mysore
Revenue Genl Depts.

Sir,

In continuation of this Office No 613 of 18th January last, forwarding copy of the Power of attorney from Rev: D. A Rees in connection with the refund of Rs 5/- Stamp duty, I have the honor to submit, herewith the letter received from the Gentlemen stating that the original document can not be shared.

2. The enclosures received with

Note
This letter is missing and when found, it will be inserted in this file
[Registrar's order]

with the Secretary's Docket No 71665 of

22nd December 1903 are resubmitted and

I request that the refund bill may be

kindly sanctioned.

I have the honor to be,

Sir

your most obedient Servant,

H H Sparkes

Dy Comm'r of Stores

Read

Correspondence ending with letter no: 674 of 5.2.04 from the Dy Comrs, Bangalore District

Entfile

No. Jl 25-27

Order thereon

D 12/3/04
12

In July 1903 a General Power of attorney was executed in England by the Wesleyan Methodist Missionary Trust Association appointing Rev: D. A Rees, Mission Road, Bangalore Wesleyan Minister in Succession to the Rev J. A. Vanes, who returned to England. The document was produced by ~~the said~~ Rev: Mr. Rees before the Dy Comrs. Bangalore District with As 5/ as Stamp duty for a certificate. The Dy Comrs caused the amount to be credited to Go and

Serial No. 2

Recd 19/3

demanded the payment (9)
of an additional duty
of Rs 5/- as, in his opinion,
the clause "whose power is
hereby withdrawn"

after the word "England"
in para 2 of the instrument
meant cancellation of a
previous power of attorney
executed in favour of
Rev: J. A. Vanes. The Revd. J A V
~~Party~~ stated that the
Dy Comrs certificate
was not necessary and
requested the return of
the document along with
the Rs 5/- he had paid. The
Dy Comr returned the
instrument, and in
November 1903 submitted
through the Rev. Comr
a refund bill for the
amount. He was thereupon